

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

EBERAIA D. FIELDS,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:06-CV-139 JVB
)	
TONY ROSWARSKI, <i>et al.</i> ,)	
)	
Defendants.)	
)	

OPINION AND ORDER

Eberaia Fields, who was a prisoner confined at the Tippecanoe County Jail, filed a complaint under 42 U.S.C. § 1983, alleging that several defendants violated his federally protected rights during the course of his arrest, prosecution, and confinement. The Court reviewed the complaint pursuant to 28 U.S.C. § 1915A, granted the plaintiff leave to proceed against defendants W.J. Carpenter and J.J. Clyde on his Fourth Amendment claim that they used excessive and unnecessary force when they arrested him, and granted him leave to proceed against Sheriff Smokey Anderson only for discovery purposes to identify potential defendants whose names he did not know. Sheriff Anderson has filed a motion to dismiss asserting that he has provided discovery to the plaintiff. Mr. Fields does not contest this, and the time for initiating further discovery against Sheriff Anderson has passed.

In its screening order, the Court determined that Mr. Fields did not state a claim against Sheriff Anderson because he had no personal involvement in this incident, *Rascon v. Hardiman*, 803 F.2d 269, 273 (7th Cir. 1986); *Wolf-Lillie v. Sonquist*, 699 F.2d 864, 869 (7th Cir. 1983), and the

doctrine of *respondeat superior* has no application to § 1983 actions. *Zimmerman v. Tribble*, 226 F.3d 568 (7th Cir. 2000); *Moore v. State of Indiana*, 999 F.2d 1125, 1129 (7th Cir. 1993); *Adams v. Pate*, 445 F.2d 105, 107 (7th Cir. 1971). Now that discovery against Sheriff Anderson has been completed, there is no basis for retaining him as a defendant.

For the foregoing reasons, the Court GRANTS defendant Anderson's motion to dismiss [DE 70].

SO ORDERED on December 11, 2007.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE
HAMMOND DIVISION